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Letter dated 31 December 2012 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, presenting its position on the recommendations contained in the thirteenth report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004), which was submitted to the Committee in accordance with subparagraph (a) of annex I to resolution 1989 (2011).

I should be grateful if the attached report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Peter **Wittig**
Chair
Security Council Committee pursuant to
resolutions 1267 (1999) and 1989 (2011) concerning
Al-Qaida and associated individuals and entities

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Recommendations contained in the thirteenth report of the Analytical Support and Sanctions Monitoring Team: position of the Committee

1. Introduction

1. On 31 October 2012, the Analytical Support and Sanctions Monitoring Team submitted its thirteenth report to the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities.

2. The Committee would like to express its gratitude to the Monitoring Team for the exemplary work undertaken in fulfilment of its mandate. The Al-Qaida sanctions regime has made significant strides in recent years: ensuring that the Al-Qaida Sanctions List is up to date and reflects the current threat posed by Al-Qaida and its affiliates, strengthening fair and clear procedures, and engaging in important outreach and capacity-building initiatives. The Monitoring Team has been central to all of those developments, and the Committee appreciates the dedication and hard work of its members.

3. Since December 2005, the Committee has established the practice of responding to each of the reports submitted to it by the Monitoring Team and bringing to the attention of the Security Council the Committee's position on the recommendations contained in those reports. After a thorough examination of the thirteenth report of the Monitoring Team, the Committee would like to continue this practice and bring to the attention of the Council its position on recommendations contained therein.

4. The present position paper is aimed at drawing attention to those recommendations made by the Monitoring Team in its thirteenth report that were the subject of particular focus in the Committee. The Committee welcomes the Monitoring Team's continued efforts to identify ways to improve the implementation and effectiveness of the sanctions measures concerning Al-Qaida and associated individuals and entities. The Committee is of the opinion that all Member States should be made aware of the Monitoring Team's recommendations and the position of the Committee on those recommendations.

2. The threat

Al-Qaida affiliates

(paragraphs 5 to 8 of the report)

5. The Committee looks forward to periodic reporting, as appropriate, on the linkages between Al-Qaida and those individuals, groups, undertakings or entities eligible for designation under paragraph 1 of resolution 1988 (2011), as mandated in subparagraph (aa) of annex I to resolution 1989 (2011).

3. Implementation of the sanctions regime

Mandate of the Ombudsperson

(paragraph 15 of the report)

6. The Committee notes that the Ombudsperson's mandate is determined by the Security Council. The Committee underscores the important advancements made by the Office of the Ombudsperson under the current mandate to ensure fair and clear procedures for listed individuals and entities. The Committee remains ready to examine further suggestions, including from the Monitoring Team, with regard to improving the effectiveness of delisting processes in accordance with its mandate.

Periodic review of the Al-Qaida Sanctions List

(paragraphs 24 and 25 of the report)

7. The Committee notes that the provisions set out in paragraph 27 of resolution 1989 (2011) have further strengthened the effectiveness of the various review processes undertaken by the Committee. The Committee also notes the integral role played by designating States in the maintenance of the Al-Qaida Sanctions List, and the importance of close cooperation between designating States and the Committee. In this context, the Committee emphasizes that it remains the responsibility of all Member States to ensure that the list of targeted individuals and entities accurately reflects the threat posed by Al-Qaida, through the provision of information and the submission of listing and delisting requests in a timely manner.

8. Furthermore, the Committee notes the Monitoring Team's suggestion that it enquire about additional efforts taken by Member States with respect to listed individuals. The Committee considers that further clarification is needed regarding what kind of additional efforts might be taken. In this context, the Committee notes that the capacity of Member States to take measures beyond the implementation of the sanctions will depend upon the facts of each individual case.

9. The Committee notes that reporting on possible cases of non-compliance and making recommendations for improving implementation are at the centre of the Monitoring Team's mandate, as described in subparagraphs (i) and (j) of annex I to resolution 1989 (2011) and resolution 2083 (2012). The Committee looks forward to the assistance of the Monitoring Team with its analysis of non-compliance by collating information collected from Member States and submitting case studies, both on its own initiative and at the Committee's request, as well as by presenting recommendations, which could be used by Member States to assist them with the implementation of the sanctions. With regard to the need to strengthen the capacity of Member States to fully implement the Security Council sanctions regime against Al-Qaida and associated individuals and entities, the Committee encourages the Monitoring Team to further enhance its role in this regard, including through cooperation with the Counter-Terrorism Committee Executive Directorate, which serves as a system integrator for capacity-building initiatives within the Council sanctions framework.

Issues of compliance

(paragraphs 27 and 28 of the report)

10. The Committee encourages the Monitoring Team to continue its important collaboration with all States to continue to enhance implementation. The Committee stands ready to discuss with Member States any challenges posed to implementation, and encourages Member States to bring such issues to its attention.

Impact of the sanctions

(paragraphs 32 and 33 of the report)

11. The Committee agrees that an improved understanding of the impact of the sanctions regime would benefit the work of the Committee. The Committee requests that the Monitoring Team carry this suggestion forward by collecting and analysing information on the impact of the sanctions regime on the threat to international peace and security posed by Al-Qaida and its affiliates, and also the impact of the regime specifically on listed individuals and entities.

12. In this connection, the Committee agrees with the Monitoring Team that the impact of the sanctions regime forms an important part of a wider effort undertaken by the United Nations to promote international counter-terrorism cooperation. The Committee notes the past and continued success of the Al-Qaida sanctions regime in this regard.

4. The Al-Qaida Sanctions List

Composition of the List

(paragraph 36 of the report)

13. The Committee agrees with the Monitoring Team's proposals to augment the impact of the sanctions. When a State proposes a designation, the Committee could collaborate with that State to ensure that leaders and benefactors of listed entities who are themselves associated with Al-Qaida are also designated.

Review and maintenance of the List

(paragraph 40 of the report)

14. The Committee notes the very significant progress that has been made in improving the quality of identifying information with respect to listed individuals and entities. The Committee underscores the importance of maintaining a comprehensive list of individuals and entities against whom sanctions measures must be taken. Delisting decisions should continue to be based on a careful evaluation of the information available.

15. Furthermore, the Committee takes note of the important potential for collaboration between Member States and the Committee to foster an accurate understanding of the evolving threat posed by Al-Qaida. The Committee underlines the importance of outreach in this context, to ensure that Member States are aware of the sanctions regime and the benefits of designation.

Explaining the criteria for listing and its expected benefits

(paragraphs 41 and 42 of the report)

16. With respect to the Monitoring Team's suggestion that the Committee encourage States submitting listing requests to explain the expected benefits of designation, the Committee suggests that further clarity is required with regard to this idea. In certain cases, the political benefit of a listing may in itself be sufficient where the Committee wishes to make a statement condemning a particular group's activities.

Joint designations and co-sponsorship

(paragraph 43 of the report)

17. The Committee recalls that co-designation and co-sponsorship are addressed in the Guidelines of the Committee for the Conduct of Its Work. The Guidelines specify that Member States wishing to be considered co-designating States should inform the Chair in writing before the listing request is circulated to the members of the Committee for consideration.

5. The assets freeze

The assets freeze in general

(paragraphs 55 to 61 of the report)

18. The Committee notes that the Monitoring Team's work with States and relevant international organizations has successfully identified a number of recurrent challenges faced in effectively implementing the assets freeze. The Committee invites the Team to continue to share those lessons with relevant international organizations, including the Financial Action Task Force, as well as in its contacts with Member States. The Committee stands ready to work with the Team on any additional guidance and capacity-building it may provide.

6. The travel ban

Challenges to the implementation of the travel ban

(paragraph 71 of the report)

19. The Committee encourages all Member States to continue to work collaboratively with the Monitoring Team to improve the implementation of the sanctions measures. The Committee also notes the important outreach work undertaken by the Monitoring Team in this context.